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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/817,086

03/26/2001

Jean-Michel Simon

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12/31/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PHU, SANH D

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 12/31/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,086

Applicant(s)

SIMON, JEAN-MICHEL

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed 03/26/01 and 12/10/01 have been considered and recorded in the file

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1,2, 5-7 are rejected under 35 U.S.C 102(b) as being anticipated by Yasuda et al (5,062,132).

Regarding to claim 1, (see Fig. 1,2 & 3 and col. 2, line 49 to col. 5 line 38) Yasuda et al disclose an apparatus (1B) wherein the apparatus comprises a storage device (9) for storing data, and updating means (8,11A, 11B, 21) for updating its storage device from another apparatus (1A) of the same type (see Fig.3 and col. 3, line 58 to col. 4 line 7).

Regarding to claim 2 (see fig. 2), Yasuda et al disclose that said updating means are formed by a serial wire link (21) (see Fig. 2, col. 3, lines 48–58).

Regarding to claim 5, Yasuda disclose that said update data are tapped from another apparatus of the same type (Fig. 2, col. 3, line 48 to col. 4, line 7).

Regarding to claim 6, Yasuda et al disclose that the updating is effected in the following steps:

Step (106,110) for preparation of a first apparatus (1A) for producing the update data (see Fig. 3, col. 4, lines 48–56),

Step (106,120) for preparation of a second apparatus for receiving the update (see Fig. 3, col. 4, line 48 to col. 5, line 10),

Step (120) for data transfer from the first apparatus to the second apparatus (see Fig. 3, col. 4, lines 48–60),

Step (121) for writing update data in the storage device of the second apparatus (see Fig. 3, col. 5, lines 31–38).

Regarding to claim 7, Yasuda et al disclose means (8, 11A, 11B, 21) for exchanging data wherein the first apparatus (1A) comprises means for communicating its data and the second apparatus (1B) comprises means

updated with update data from the first apparatus (see Fig. 3, col. 4, line 48 to col. 5, line 50).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda et al (5,062,132) in view of Kadaba et al (6,285,916).

Regarding to claim 3 (see Yasuda et al Fig. 1 &2), Yasuda et al does not disclose said updating means are formed by an infrared link. But, Yasuda et al disclose said updating means are formed by a transfer link as a cable link (21) for transferring data from 1A to 1B (see Fig. 2).

Kadaba et al discloses that data can alternatively be transferred by cable link or Infrared link (see Kadaba et al Fig. 1, col. 5, line 12 to 21)

It would have been obvious for a person skilled in the art to alternatively implement Yasuda et al's transfer link as an infrared link in order to transfer data wirelessly.

Regarding to claim 4 (see Yasuda et al Fig. 1 &2), Yasuda et al does not disclose said updating means are formed by a RF link. But, Yasuda et al disclose said updating means are formed by (a transfer link as a cable link for transferring data from 1A to 1B.

Kadaba et al discloses that data can alternatively be transferred by cable link or RF link (see Kadaba et al Fig. 1, col. 5, line 12 to 21)

It would have been obvious for a person skilled in the art to alternatively implement Yasuda et al's invention to include RF link in order to transfer data wirelessly.

Conclusion

3. References Cairns (5,930,703) and Shin (6,006,109) are additionally cited because they are pertinent to the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-301-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner
Art Unit 2682

SP


LEE NGUYEN
PRIMARY EXAMINER